

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, May 23, 2006 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D Kinser, Chair
Anthony Orange, Co Chair
Charles W. Falwell
Kenneth Hart
James Hollar
Robert M Kirby
Michael D. Redifer
Troy Smith, Jr.
Ann Rackas Pate
Jeffrey Modisett
Deborah Lynn Tomlin
Dorothy Wood

Mr. Walton did not attend the meeting.

Staff members present for all or part of the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Karen Kenney, Administrative Assistant
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Nick Christner, Director, Compliance and Investigations
Jennifer Kazzie, Assistant Director, Adjudication
Doug Schroder, Director, Adjudication
Bonnie Rhea Adams, Director, CAR

Chairman Mark Kinser called the meeting to order at 9:12 a.m. and declared a quorum of board members was in attendance.

Call
To Order

A motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to approve the agenda as written. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** **Walton was absent.**

Approval of
the Agenda

Mr. Hollar moved to approve the following minutes as submitted from the:

Approval of
Minutes

March 28, 2006, Amended Board for Contractor Meeting
April 25, 2006, Board for Contractor Meeting
April 12, 2006, Informal Fact Finding Conference.
April 18, 2006, Informal Fact Finding Conference.
April 20, 2006, Informal Fact Finding Conference.
April 26, 2006, Informal Fact Finding Conference.
April 26, 2006, Informal Fact Finding Conference.
April 27, 2006, Informal Fact Finding Conference.
May 02, 2006, Informal Fact Finding Conference 9 AM.
May 02, 2006, Informal Fact Finding Conference. 10:30 AM
May 04, 2006, Informal Fact Finding Conference.
May 09, 2006, Informal Fact Finding Conference.

Mr. Falwell seconded the motion and it was unanimously approved by members. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** **Walton was absent.**

There was no public comment.

Public
Comment
Period

The Board presented a resolution to Louise Ware for Contractors. Eric Olson read the resolution and Mr. Mark Kinser presented it to her. It read as follows: **WHEREAS**, Louise Fontaine Ware faithfully and diligently served as Director of the Department of Professional and Occupational Regulation from 2002 through 2006; and

Presentation
of Resolution

WHEREAS, Louise Fontaine Ware discharged her duties with excellence and expertise to protect the health, safety and well-being of the public; and

WHEREAS, Louise Fontaine Ware tirelessly devoted her time and leadership during a period when the regulated population of the Board increased more than twenty percent, to over 100,000 licensed contractors and tradesmen, during her tenure as Director; and

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WHEREAS, Louise Fontaine Ware guided the Board wisely, ensuring that the Board always rendered decisions with fairness, good judgment, and in the best interest of the Board, its regulants, and the Commonwealth; and

WHEREAS, the Board for Contractors wishes to acknowledge its gratitude and deepest appreciation for devoted service by Louise Fontaine Ware, who is held in high esteem by the members of the Board, the employees within the Department, and the citizens of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, by the Board for Contractors this twenty-third day of May, in the year two-thousand and six, that Louise Fontaine Ware be given all honors and respect due for her outstanding service to the Commonwealth, its citizens, the Department of Professional and Occupational Regulation, and the Board for Contractors, and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held

Mrs. Ware also received a standing ovation by all present at the meeting. She addressed the Board and expressed her thanks.

In the matter of License Application File Number 2006-04240, High Rise Service Company, Inc, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Andrew J Simmons appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

File Number
2006-04240
High Rise
Service
Company,
Inc.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** **Walton was absent.**

In the matter of License Application File Number 2006-04219, Rolland P Hatter, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Rolland P Hatter appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-04219
Rolland P
Hatter

The motion was approved by majority vote. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, and Wood.** Members voting "No" were: **Rackas Pate and Hollar.**

In the matter of License Application File Number 2006-04126, Ricky Magner, Sr. t/a Ram Caulk, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-04126
Ricky
Magner, Sr.**

Ricky Magner, Sr. t/a Ram Caulk and his counsel, Jennifer Parrish, appeared at the IFF and the Board meeting. Ms. Parrish addressed the Board on behalf of her client and shared that they agreed with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by majority vote. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** **Walton was absent.**

In the matter of License Application File Number 2006-04083, Wheaton Construction, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-04083
Wheaton
Construction
, Inc.**

Applicant Richard A Wheaton appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** **Walton was absent.**

In the matter of License Application File Number 2006-04011, F & S Painting, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-04011
F & S
Painting**

Frederick Hickling t/a F & S Painting appeared at the IFF and the Board meeting. He shared with the Board that he agreed with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After

discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were: approved by majority vote. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Hollar, Smith, and Wood**. Members voting "No" were: **Rackas Pate**.

In the matter of License Application File Number 2006-04009, Damon Barry Witt t/a Before & After Home Improvements, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and *Summary of the Informal Fact-Finding Conference*.

File Number
2006-04009
Damon
Barry Witt

Damon Barry Witt t/a Before & After Home Improvements appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to Damon Barry Witt's prior conduct and the recentness of his convictions, and the access to homes that a license would afford the applicant.

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood**. **Walton** was absent.

In the matter of License Application File Number 2006-03959, Wheaton Construction, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and *Summary of the Informal Fact-Finding Conference*.

File Number
2006-03959
Reliable
Enterprises,
Inc.

Applicant Rob Herndon for Wheaton Construction, Inc. appeared at the IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood**. **Walton** was absent.

In the matter of License Application File Number 2006-03958, Builders Assistance, LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and *Summary of the Informal Fact-Finding Conference*.

File Number
2006-03958
Builders
Assistance,
LLC

Applicant William C Carter of Builders Assistance, LLC appeared at the

IFF but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

*The motion was disapproved by a tie vote. Members voting "Yes" were: **Kinser, Redifer, Smith, Tomlin, Orange and Wood.** Walton was absent. Members voting "no" were: **Modisett, Hart, Kirby, Falwell, Rackas Pate and Hollar.** The motion failed.*

After further discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Kirby** to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to the recentness of the convictions and no evidence of rehabilitation. **The motion passed** approved by majority vote. Members voting "Yes" were: **Falwell, Rackas Pate, Kirby, Modisett, Redifer, Smith, Hart, Hollar, and Wood.** Members voting "No" were: **Tomlin, Smith and Kinser.** Walton was absent.

In the matter of License Application File Number 2006-03957, Charles R. Wise, Jr., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03957
Charles R
Wise, Jr.

Applicant Charles R. Wise, Jr. appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

*The motion was approved by a majority vote. Members voting "Yes" were: **Falwell, Hollar, Kinser, Redifer, Smith, Hart, Tomlin, Orange and Wood.** Members voting "no" were: **Kirby, Modisett and Rackas Pate.** Walton was absent.*

In the matter of License Application File Number 2006-03851, Limoge Associate, Inc. t/a Sunrise Building Services, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03851
Limoge
Associates,
Inc.

Geoffrey Limoge appeared at the IFF on behalf of **Sunrise Building Services.** **Robert Harrell** attended the Board meeting for **Sunrise Building Services.** He addressed the Board and shared their agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not

vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** Walton was absent.

In the matter of License Application File Number 2006-03849, Mike Donahoe, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03849
Mike
Donahoe

Mike Donahoe appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Tomlin** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Tomlin, Orange, and Wood.** Members voting "no" were: **Hart, Rackas Pate and Hollar.** Walton was absent.

In the matter of License Application File Number 2006-03830, Jeff Clevenger t/a Installation Plus, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03830
Jeff
Clevenger

Jeff Clevenger t/a Installation Plus appeared at the IFF and the Board meeting. He addressed the Board and shared his disagreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license based upon Clevenger previously answering the question concerning criminal convictions correctly, the Board is of the opinion that Clevenger knowingly falsified the application in an attempt to obtain a contractor's license without further review of his criminal conviction.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin,**

Orange, Rackas Pate and Wood. Walton was absent.

In the matter of License Application File Number 2006-03540, Christopher Smith t/a Peninsula Woodsmith, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-03540
Christopher
Smith**

Christopher Smith appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to the recentness of Christopher Smith's conviction and the fact that he has not yet successfully completed the VASAP program.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

In the matter of Disciplinary File Number 2006-03832, Allen P Holloway & Stephen Monaghan t/a H & M Contractors, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-03832
Allen P
Holloway**

Allen P Holloway (Respondent) appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the summary and recommendation. The presiding Board representative **Mr. Falwell** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Allen P Holloway & Stephen Monaghan t/a H & M Contractors**, violated the following sections of its March 31, 1995 Regulations:

**Count 1: § 5.7.B.18
Count 2: § 5.7.B.19**

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate,**

Redifer, Smith, Tomlin and Wood.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to impose the following sanctions: \$250.00 monetary penalty for the violation of **(Count 1)** and \$250.00 monetary penalty for the violation of **(Count 2)**. A total monetary penalty of \$500.00 is imposed. As to **Count 2**, the Board voted to require a member of **Responsible Management of Allen Holloway & Stephen Monaghan** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** Walton was absent.

In the matter of License Application File Number 2006-03831, **Holloway Construction, Inc. t/a Lisa & Company**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01596
Holloway
Construction
, Inc.

Lisa and Allen Holloway appeared at the IFF and the Board meeting. They addressed the Board and shared their agreement with the summary and recommendation. The presiding Board representative **Mr. Falwell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Hart** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Hollar, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** Walton was absent.

In the matter of Recovery Fund File Number 2004-04641, **Carol Smith (Claimants) vs. David Deffenbaugh t/a Quality Matters Contracting (Regulant)**; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither David Deffenbaugh t/a Quality Matters Contracting (Regulant) nor anyone on their behalf** appeared at the IFF or the Board meeting. **Carol Smith (Claimant)** appeared at the IFF and **Anthony Chiperas** witness for Mrs. Smith attended the Board meeting and shared her agreement with the summary and recommendation. **David W Deffenbaugh (Claimant)** appeared at the IFF but not the Board meeting. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,585.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby,**

File Number
2004-04641
Quality
Matters
Contracting

Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2004-03913, Nancie & Jeffrey Lightner (Claimants) vs. Brian Barnett t/a B & T Enterprises (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Virgie Barnett t/a B & T Enterprises (Regulant)** appeared at the IFF and the Board meeting and she addressed the Board. **Jeffrey Lightner (Claimant)** appeared at the IFF and the Board meeting and addressed the summary and recommendation. **Kevin Hoeft** distributed a handout to the Board members from Terry Barnett, who could not attend the Board meeting. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and deny payment of the claim. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

File Number
2004-03913
B & T
Enterprises

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02906, Calvin Bullington (Claimants) vs. Theresa Thornton t/a A-1 Concrete (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Theresa Thornton t/a A-1 Concrete (Regulant) nor anyone on their behalf** appeared at the IFF or the Board meeting. **Calvin Bullington (Claimant)** did not attend the IFF or the Board meeting. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$1,449.00. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

File Number
2005-02906
Theresa
Thornton

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02605, Michael and Mary Hastings (Claimants) vs. Randall M Scott Roofing, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Randall M Scott Roofing, Inc (Regulant) nor anyone on their behalf** appeared at the IFF or the Board meeting. **Michael & Mary Hastings (Claimants)** appeared at the IFF and **Elizabeth E Banks** Attorney for the

File Number
2005-02605
Randall M
Scott
Roofing, Inc.

Hastings attended the Board meeting and shared her agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$6,815.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02551, Walter Jennings (Claimants) vs. Complete Home Improvement Corporation t/a Complete Home Improvement Corporation (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Complete Home Improvement Corporation t/a Complete Home Improvement Corporation (Regulant) "nor" anyone on their behalf appeared at the IFF or the Board meeting. Walter & Darlena Jennings (Claimant) appeared at the IFF but not the Board meeting. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Hart to adopt the claim review and the hearing officer's recommendations and summary for violations and deny payment of the claim. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

**File Number
2005-02551
Completer
Home
Improve-
ment
Corporation**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02383, Betsy Overman (Claimants) vs. National Restoration Specialists Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **National Restoration Specialists Inc (Regulant) "nor" anyone on their behalf appeared at the IFF or the Board meeting. Betsy Overman (Claimant) appeared at the IFF and the Board meeting and shared her agreement with the summary and recommendation. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Smith to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$16,291.32. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

**File Number
2005-02383
National
Restoration
Specialists
Inc.**

As the Board Representative, Mr. Hollar was not present and did not vote

In the matter of Recovery Fund File Number 2005-02381, Carol Smith (Claimants) vs. Ocean Exteriors, Inc. t/a Ocean Exteriors, Inc

**File Number
2005-02381**

(Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Ocean Exteriors, Inc. t/a Ocean Exteriors, Inc. (Regulant)** nor anyone on their behalf appeared at the IFF. **Steve Owens, counsel for Curtis & Cecilia Coleman (Claimants)** appeared at the IFF via telephone and in person at the Board meeting and addressed the Board **Jeffrey Pesich for Ocean Exteriors, Inc. (Regulant)** appeared at the Board meeting He addressed the Board After discussion, a motion was made by **Mr. Falwell** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$20,000.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

**Ocean
Exteriors,
Inc.**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02380, Barleen Parker-Woods (Claimants) vs. Stanley MacArthur t/a Hawkins Construction (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Stanley MacArthur t/a Hawkins Construction (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Barleen Parker-Woods (Claimant)** appeared at the IFF but not the Board meeting. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Modisett** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$5,074.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

**File Number
2005-02380
Stanley
MacArthur**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02376, Jennifer Catron (Claimants) vs. David Dobbins t/a Dobbins Construction (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither David Dobbins t/a Dobbins Construction (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Jennifer Catron (Claimant)** appeared at the IFF and the Board meeting and shared her agreement with the summary and recommendation. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Falwell** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$3,969.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.** As the Board Representative, Mr. Hollar was

**File Number
2005-02376
David
Dobbins**

not present and did not vote.

In the matter of Recovery Fund File Number 2005-01873, Ernest Fitzpatrick (Claimants) vs. Mark Layman t/a Layman Custom Homes (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Mark Layman t/a Layman Custom Homes (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Ernest Fitzpatrick (Claimant) appeared at the IFF and the Board meeting and shared his agreement with the summary and recommendation. After discussion, a motion was made by Mr. Orange and seconded by Ms. Rackas Pate to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$9,301.39. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

**File Number
2005-01873
Mark
Layman**

As the Board Representative, Mr. Hollar was not present and did not vote. **Mr. Orange** motioned to recess for five minutes. **Mr. Falwell** seconded the motion. The motion passed unanimously. Members voting "yes" were: **Falwell, Hart, Kinser, Kirby, Orange, Smith, Modisett, Rackas Pate, Redifer, Tomlin and Wood. Walton and Hollar were not present and did not vote.**

**Recess
&
Reconvene**

The Board recessed from 10.20 to 10:25 AM.

At 10:25 AM Mr. Kinser called the meeting back to order. Members present were: Falwell, Hart, Kinser, Kirby, Orange, Smith, Modisett, Rackas Pate, Redifer, Tomlin and Wood. Walton and Hollar were not present.

In the matter of Recovery Fund File Number 2006-01301, William & Linda Sharp (Claimants) vs. James W Campbell, Jr. t/a Jim's Building & Remodeling (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither James W Campbell, Jr. t/a Jim's Building & Remodeling (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. The Sharps (Claimant) appeared at the IFF but did not attend the Board meeting in person or by counsel or by any other qualified representative. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Kirby to adopt the claim review and amend the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$1,111.11. The motion failed due to lack of voting. After further discussion, Attorney Eric Gregory addressed the Board concerning payment of Recovery Fund claims, judgments and consideration and approval of facts presented in the case being considered by the Board for payment or denial. After addition discussion, a motion was offered by Ms. Wood and seconded by Mr. Falwell to reject the hearing officer's**

**File Number
2006-01301
James W.
Campbell,
Jr.**

recommendation and to pay the claim in the amount of \$10,000.00. The motion failed with a vote of 5 yes and 6 no Members voting "Yes" were: **Falwell, Kinser, Smith, Tomlin and Wood.** Members voting "No" were: **Orange, Modisett, Kirby, Rackas Pate, Hart, and Redifer.** **Walton was absent.** After further discussion **Mrs. Wood** offered a motion seconded by **Mr. Smith** to reject the hearing officer's recommendation and pay the claim in the amount of \$10,000 00. The motion passed with a majority vote. Members voting "Yes" were: **Falwell, Kinser, Smith, Tomlin, Wood, Orange, Modisett, Rackas Pate and Hart.** **Redifer and Kirby** voted "no". **Walton was absent.**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01300, William and Linda Sharp (Claimants) vs. Curtis W. Tate t/a CW Building (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Curtis W. Tate t/a C W Building (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. William and Linda Sharp (Claimants) appeared at the IFF but not the Board meeting.** After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Falwell** to adopt the claim review and summary and reject the hearing officer's recommendations and approve the claim for payment in the amount of **\$10,000.00.** The motion passed with a majority vote. Members voting "Yes" were. **Falwell, Kinser, Modisett, Smith, Hart, Tomlin, Orange and Wood.** Members voting "no" were: **Redifer, Kirby and Rackas Pate.** **Walton was absent.**

File Number
2006-01300
Curtis W.
Tate

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01261, Shirley Brown (Claimants) vs. Curtis W. Tate t/a C W Building (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Curtis W. Tate t/a C W Building (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Shirey Brown and her spouse Mr. John Brown, Sr. (Claimant) appeared at the IFF and the Board meeting and she shared her disagreement with the summary and recommendation.** Mrs. Brown informed Mr. Kinser that her name was Shirey Brown and not Shirley Brown. Mr. Kinser apologized for the spelling mistake. **Kevin Hoefft** distributed a handout to the Board for this case. After discussion, a motion was made by **Mr. Falwell** and seconded by **Ms. Wood** to adopt the claim review and reject the hearing officer's recommendations and pay the claim in the amount of **\$10,000.00.** The motion failed with a vote of "7"no and "4" yes. Members voting "Yes" were: **Falwell, Kinser, Hart, and Wood.** Members voting

File Number
2006-01261
Curtis W.
Tate

“no” were: Smith, Tomlin, Redifer, Rackas Pate, Modisett, Kirby and Orange. Walton was absent.

As the Board Representative, Mr. Hollar was not present and did not vote.

At 11:23 AM, Mrs. Wood stated: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberation on Recovery Fund cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by §2.2-3711.A.15 of the Code of Virginia and consultation with legal counsel and/or briefings by staff members pertaining to actual and/or potential litigation as permitted by §2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Eric Olson and Karen O’Neal. This motion is made with respect to the matters identified as agenda items (5) 18 – 35. Mr. Smith seconded this motion. The motion passed with a unanimous vote. Members voting “yes” were: **Modisett, Smith, Kirby, Wood, Rackas Pate, Redifer, Falwell, Hart, Kinser, Orange and Tomlin. Hollar was recused and Walton was absent.**

**Closed
Session**

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification
of Closed
Meeting**

Whereas, §2.2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law:

Now, therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors.

Roll Call Vote; Ayes – Mr. Modisett, Mr. Smith, Mr Kirby, Ms. Wood, Ms. Rackas Pate, Mr. Redifer, Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Orange and Ms. Tomlin. The vote was taken at: 11:43 AM.

Absent from Closed Session: Mr. Hollar

Absent from meeting: Mr. Walton

In the matter of Recovery Fund File Number 2006-01261, Shirey Brown (Claimants) vs. Curtis W. Tate t/a C W Building (Regulant); the board members reconvened this case and reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither Curtis W. Tate t/a C W Building (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Shirey Brown and her spouse John Brown, Sr. (Claimant)** appeared at the IFF and were present at the Board's reconvened session of this case. Mrs. Brown again stated her dissatisfaction with the recommendation of the hearing officer. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of **\$10,000.00 pursuant to §54.1-1123**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

File Number
2006-01261
Curtis W.
Tate

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01260, Shirey Brown (Claimants) vs. James W Campbell Jr. t/a Jim's Building & Remodeling (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither James Campbell, Jr. t/a Jim's Building and Remodeling (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Shirey Brown and her spouse John Brown, Sr. (Claimant)** appeared at the IFF and were present at the Board meeting Mrs Brown stated her dissatisfaction with the recommendation of the hearing officer. **Kevin Hoeft** distributed a handout to the Board for this case. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of **\$10,000.00 pursuant to §54.1-1123**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

File Number
2006-01260
James W
Campbell Jr.

As the Board Representative, Mr. Hollar was not present and did not vote

In the matter of Recovery Fund File Number 2006-01259, John W. Brown, Sr. (Claimants) vs. Curtis W. Tate t/a C W Building (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Curtis W. Tate t/a C W Building (Regulant) nor anyone** on their

File Number
2006-01259
Curtis W
Tate

behalf appeared at the IFF or the Board meeting. **John Brown, Sr. and his spouse Shirey Brown (Claimant)** appeared at the IFF and were present at the Board meeting. Mr. Brown stated his dissatisfaction with the recommendation of the hearing officer. **Kevin Hoeft** distributed a handout to the Board for this case. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of **\$10,000.00 pursuant to §54.1-1123**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood**. **Walton was absent.**

As the Board Representative, Mr. Hollar was not present and did not vote

In the matter of Recovery Fund File Number 2006-01258, John W. Brown, Sr. (Claimants) vs. James W Campbell, Jr. t/a Jim's Building & Remodeling (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither James W. Campbell t/a Jim's Building & Remodeling (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. John W. Brown, Sr. and his spouse Shirey Brown (Claimant)** appeared at the IFF and were present at the Board meeting Mr. Brown stated his dissatisfaction with the recommendation of the hearing officer. **Kevin Hoeft** distributed a handout to the Board for this case. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of **\$10,000.00 pursuant to §54.1-1123**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood**. **Walton was absent.**

File Number
2006-01258
James W
Campbell,
Jr.

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01248, Joyce Miller (Claimants) vs. Curtis W. Tate t/a C W Building (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Curtis W. Tate t/a C W Building (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Joyce Miller (Claimant) and Thomas D Domonske, her attorney** appeared at the IFF. Mr. Lee Miller the spouse of Mrs Miller was present on her behalf at the Board meeting. Mr. Miller stated his wife's dissatisfaction with the recommendation of the hearing officer. **Kevin Hoeft** distributed a handout to the Board for this case.

File Number
2006-01248
Curtis W.
Tate

After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Smith** to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of **\$10,000.00 pursuant to §54.1-1123**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood**. **Walton was absent**.

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01247, Joyce Miller (Claimants) vs. James W. Campbell, Jr. t/a Jim's Building & Remodeling (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither James W. Campbell t/a Jim's Building & Remodeling (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Joyce Miller (Claimant) and her attorney Thomas D. Domonske appeared at the IFF** Mr. Lee Miller the spouse of Joyce Miller was present at the Board meeting. He addressed the Board and shared her dissatisfaction with the recommendation of the hearing officer. **Kevin Hoeft distributed a handout to the Board for this case. After discussion, a motion was made by Mr. Falwell and seconded by Mr. Smith to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of \$10,000.00 pursuant to §54.1-1123. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

File Number
2006-01247
James W
Campbell,
Jr.

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2006-01246, Lee Miller (Claimants) vs. Curtis W. Tate t/a C W Building (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Curtis W. Tate t/a C W Building (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Lee Miller (Claimant) and his attorney Thomas Domonske appeared at the IFF. Mr. Miller was present at the Board meeting. Mr. Miller stated his dissatisfaction with the recommendation of the hearing officer. Kevin Hoeft distributed a handout to the Board for this case. After discussion, a motion was made by Mr. Falwell and seconded by Mr. Smith to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in**

File Number
2006-01246
Curtis W.
Tate

the amount of \$10,000.00 pursuant to §54.1-1123. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.

As the Board Representative, Mr. Hollar was not present and did not vote

In the matter of Recovery Fund File Number 2006-01245, Lee Miller (Claimants) vs. James W. Campbell, JR. t/a Jim's Building & Remodeling (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither James W Campbell, Jr. t/a Jim's Building & Remodeling (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Lee Miller (Claimant) and his attorney Thomas D Domonske appeared at the IFF. Mr. Miller was present at the Board meeting. He addressed the Board and shared his dissatisfaction with the recommendation of the hearing officer and his concerns with the Board's voting process. Kevin Hoeft distributed a handout to the Board for this case. After discussion, a motion was made by Mr. Falwell and seconded by Mr. Smith to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and reject the recommendation and order payment of the claim be approved in the amount of \$10,000.00 pursuant to §54.1-1123. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

**File Number
2006-01245
James W
Campbell,
Jr.**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-00498, William and Bonnie Combs (Claimants) vs. Daveco Inc. (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits from the IFF, and Summary and recommendation.

**File Number
2005-00498
Daveco, Inc**

Daveco, Inc, t/a Daveco, Inc (Regulant) counsel nor anyone on its behalf appeared at the IFF or the Board meeting. Mary Jane Ellixson, daughter and Andrew James Ellixson, son-in-law of (Claimants) William and Bonnie Combs appeared at the IFF. Neither counsel nor anyone on their behalf attended the Board meeting. The presiding Board Representative, Mr. Hollar was not present, did not participate in the discussion and did not vote. After discussion a motion was made by Mr. Kirby and seconded by Mr. Redifer to adopt the claim review which contains the facts regarding the recovery fund claim in this matter and deny payment of the claim.

The motion was approved unanimously. Members voting "Yes" were: Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith,

Hart, Tomlin and Wood.

Mr. Walton was absent from the meeting and did not vote.

In the matter of Recovery Fund File Number 2005-00480, Peter and Linda K. Gilmour (Claimants) vs. R. C. Cooper & Sons Plumbing & Heating t/a Robin C. Cooper (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither R. C. Cooper & Sons Plumbing & Heating t/a Robin C. Cooper (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Peter and Linda K. Gilmour (Claimant) did not appear at the IFF or the Board meeting.** Neither counsel nor anyone on their behalf represented them. After discussion, a motion was made by Ms. Wood and seconded by Ms. Tomlon to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and the recommendation and order payment of the claim be approved in the amount of **\$415.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** Walton was absent.

**File Number
2005-00480
R C Cooper
& Sons
Plumbing &
Heating**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-03440, David Conner (Claimants) vs. Heritage Custom Building And Remodeling Inc., t/a Heritage Custom Building And Remodeling Inc. (Regulant); the board members reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Heritage Custom Building and Remodeling Inc. t/a heritage Custom Building and Remodeling Inc. (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting David and Nancy Conner (Claimants) appeared at the IFF and the Board meeting** Mrs. Conner stated their satisfaction with the recommendation of the hearing officer. After discussion, a motion was made by Mr. Orange and seconded by Ms. Wood to adopt the claim review which contains the facts regarding the recovery fund claim in this matter, and adopt the Summary and approve the recommendation and order payment of the claim be approved in the amount of **\$20,000.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Redifer, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** Walton was absent.

**File Number
2005-03440
Heritage
Custom
Building and
Remodeling
Inc.**

As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Disciplinary File Number 2005-03301 R T C Construction, t/a R T C Construction Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and

**File Number
2005-03301
RTC**

Summary of the Informal Fact-Finding Conference of the presiding Board member.

**Construction
Inc**

Neither R T C Construction Inc (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Mr. Redifer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **R T C Construction Inc**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-210 3

Count 2: 18 VAC 50-22-220 B

Count 3: 18 VAC 50-22-220 C

(Effective August 1, 2005)

Count 4: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Orange, Smith, Tomlin and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to impose the following monetary sanctions: \$350.00 penalty for the violation of **(Count 1)**; \$500.00 monetary penalty for the violation of **(Count 2)**; \$500.00 for violation of **(Count 3)**; \$750.00 for the violation of **(Count 4)**. A total monetary penalty of \$2,100.00 is imposed. As to Count 1, 2 and 3, the Board voted to require a member of **Responsible Management of R T C Construction Inc** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Orange, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood.** Walton was absent.

In the matter of Disciplinary File Number 2005-03162 Macon A Moyer II, t/a Macon A Moyer II, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2005-03162
Macon A
Moyer II**

Neither Macon A Moyer II (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Mr.**

Redifer was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Macon A Moyer II**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 8

Count 2: 18 VAC 50-22-260 B 5

Count 3: 18 VAC 50-22-260 B 28

Count 4: 18 VAC 50-22-230 B

Count 5: 18 VAC 50-22-260 B 13

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Orange, Smith, Tomlin and Wood.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Hart** to impose the following monetary sanctions: \$350.00 penalty for the violation of **(Count 1)**; \$1,500.00 monetary penalty for the violation of **(Count 2)**; \$350.00 for violation of **(Count 4)**; \$750.00 for the violation of **(Count 5)**. A total monetary penalty of \$2,950.00 is imposed. As to Count 1 and 4, the Board voted to require a member of **Responsible Management of Macon A Moyer II** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board imposed revocation of license for the violation of Count 3. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Orange, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

In the matter of Disciplinary File Number 2005-01557 Joe A Swain, t/a J & J Contractors, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-01557
Joe A Swain

Joe A Swain (Respondent) participated in the IFF via telephone but did not attend the Board meeting. The presiding Board representative **Mr. Redifer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the

Informal Fact-Finding Conference with Recommendations. The Board found **Joe A Swain**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 28 (Three violations)

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Orange, Smith, Tomlin and Wood.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to impose the sanction of license revocation for the violation of Count 1. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Orange, Smith, Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.**

In the matter of Disciplinary File Number 2006-00022 Junious Tyrone Hill t/a J T Hill Contractor, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-00022
Junious
Tyrone Hill**

Neither Junious T Hill (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board representative **Mr. Redifer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Junious Tyrone Hill**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Orange, Smith, Tomlin and Wood.**

After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Hollar** to impose the following monetary sanctions: \$350.00 penalty for the violation of (Count 1) A total monetary penalty of \$350.00 is imposed. As to Count 1, the Board voted to require **Junious Tyrone Hill** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Orange, Smith,**

Hart, Tomlin, Orange, Rackas Pate and Wood. Walton was absent.

In the matter of Consent Order File Number 2005-00504, Board v. Water Works Of Roanoke Inc, t/a Water Works Of Roanoke Inc., the board reviewed the Consent Order. Water Works Of Roanoke Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260.B 9 \$300.00 and Count 2: 18 VAC 50-22-260.B.31 \$200.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Water Works Of Roanoke Inc. agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Water Works Of Roanoke Inc also agrees to pay \$150.00 in Board costs.

**File Number
2005-00504
Water
Works Of
Roanoke
Inc.**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2005-03560, Board v. B & L Water Specialists Inc, t/a B & L Water Specialists Inc. the board reviewed the Consent Order. B & L Water Specialists Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 8 \$100.00. A total monetary penalty of \$100.00 is hereby imposed. In addition, for the violation of Count 1, B & L Water Specialists Inc. agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. B & L Water Specialists Inc also agrees to pay \$150.00 in Board costs.

**File Number
2005-03560
B & L Water
Specialists
Inc**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2005-04422, Board v. Paul H Russell & Lisa L Russell, t/a Russell Construction the board reviewed the Consent Order. Russell Construction acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260.B 9 \$100.00. A total monetary penalty of \$100.00 is hereby

**File Number
2005-04422
Paul H
Russell &
Lisa L
Russell**

imposed. In addition, for the violation of Count 1, Paul and Lisa Russell agree to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Paul H Russell & Lisa L Russell also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2005-04961, Board v. Wayne John Dell t/a W J Dell Construction the board reviewed the Consent Order. Wayne John Dell acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-230.A \$0.00 and Count 2: 18 VAC 50-22-260.B.9 \$0.00. A total monetary penalty of \$00.00 is hereby imposed. Wayne John Dell also agrees to pay \$150.00 in Board costs.

**File Number
2005-04961
Wayne John
Dell**

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent. As the hearing officer Mr. Falwell did not vote.

In the matter of Consent Order File Number 2006-00069, Board v. James T Bell, t/a J T Builders, the board reviewed the Consent Order. James T Bell acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 9 \$200.00, Count 2: 18 VAC 50-22-260.B.6 \$600.00 and Count 3: 18 VAC 50-22-260.B.13 \$500.00. A total monetary penalty of \$1,300.00 is hereby imposed. In addition, for the violation of Counts 1, 2 and 3, James T Bell agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. James T Bell also agrees to pay \$150.00 in Board costs.

**File Number
2006-00069
James T Bell**

Upon a motion by Mr. Orange seconded by Ms. Wood the board ratified the consent order with a majority vote: Members voting "Yes" were: Falwell, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent. Mr. Hollar voted "no".

In the matter of Consent Order File Number 2006-00083, Board v. Thomas Robbins, t/a Robbins Construction Co., the board reviewed the Consent Order. Thomas Robbins acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board. **Count 1: 18 VAC 50-22-260.B 9 \$200.00 and Count 2: 18 VAC 50-22-260.B.31 \$200.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Thomas Robbins agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Thomas Robbins also agrees to pay \$150.00 in Board costs.**

**File Number
2006-00083
Thomas
Robbins**

Upon a motion by Mr. Kirby seconded by Mr. Falwell the board ratified the consent order with a majority vote. Members voting "Yes" were: Falwell, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent. Mr. Hollar voted "no".

In the matter of Consent Order File Number 2006-00247, Board v. Kevin Bevins, t/a Bevins Construction, the board reviewed the Consent Order. Kevin Bevins acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 30 \$500.00 and Count 2: 18 VAC 50-22-260.B.17 \$500.00. A total monetary penalty of \$1,000.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Kevin Bevins agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Kevin Bevins also agrees to pay \$150.00 in Board costs.**

**File Number
2006-00247
Kevin Bevins**

Upon a motion by Mr. Orange seconded by Mr. Kirby the board ratified the consent order with a majority vote: Members voting "Yes" were: Falwell, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent. Mr. Hollar voted "no".

In the matter of Consent Order File Number 2006-00526, Board v. The Liberty Companies Inc, t/a Liberty Irrigation Company/Liberty Electrical Company the board reviewed the Consent Order. The Liberty Companies Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B 9 \$350.00 and Count 2: 18 VAC 50-22-260.B.31 \$350.00. A total monetary penalty of \$700.00 is hereby imposed. In addition, The Liberty Companies Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor**

**File Number
2006-00526
The Liberty
Companies
Inc**

Licensing class and passing the examination within six (6) months of the effective date of this order. The Liberty Companies Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote. Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2006-00980, Board v. Tracy A Swann & Martin W Swann Jr., t/a Swann Construction, the board reviewed the Consent Order. Tracy A Swann & Martin W Swann Jr. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 22 \$00.00. A total monetary penalty of \$00.00 is hereby imposed. In addition, for the violation of Counts 1 Tracy A Swann & Martin W Swann Jr. agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Tracy A Swann & Martin W Swann, Jr. also agrees to pay \$150.00 in Board costs. Tracy A Swann & Martin W Swann Jr. also agrees to probation of its license to begin on the effective date of this order and end on September 30, 2007.

**File Number
2006-00980
Tracy A
Swann &
Martin W
Swann Jr.**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent. As the hearing officer Mr. Hart did not vote.

In the matter of Consent Order File Number 2006-01070, Board v. Mitchell S Abner, t/a ACS Enterprises/A Better Deck, the board reviewed the Consent Order Mitchell D Abner acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-230.A \$350.00. A total monetary penalty of \$350.00 is hereby imposed. In addition, for the violation of Count 1, Mitchell D Abner agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Mitchell D Abner also agrees to pay \$150.00 in Board costs.

**File Number
2006-01070
Mitchell D
Abner**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith,

Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2006-01557, Board v. Frankie L Guthrtie, t/a Colony Construction, the board reviewed the Consent Order. Frankie L Guthrtie acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board. Count 1: 18 VAC 50-22-260.B 9 \$400.00; Count 2: 18 VAC 50-22-260.B.8 \$350.00; Count 3: 18 VAC 50-22-260.B.6 \$500.00 and Count 4: 18 VAC 50-22-260.B.20 \$500.00. A total monetary penalty of \$1,750.00 is hereby imposed. In addition, for the violation of Count 4, Frankie L Guthrtie agrees to revocation of his license. Frankie L Guthrtie also agrees to pay \$150.00 in Board costs.

**File Number
2006-01557
Frankie L
Guthrtie**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent. As the hearing officer Mr. Modisett did not vote.

In the matter of Consent Order File Number 2006-01856, Board v. JLC Contracting LLC t/a JLC Contracting LLC, the board reviewed the Consent Order. JLC Contracting LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 8 \$400.00 and Count 2: 18 VAC 50-22-260.B.6 \$900.00. A total monetary penalty of \$1,300.00 is hereby imposed. In addition JLC Contracting LLC agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. JLC Contracting LLC also agrees to pay \$150.00 in Board costs.

**File Number
2006-01856
JLC
Contracting
LLC**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2006-02188, Board v. Michael C Burt, t/a McB Farm And Excavating, the board reviewed the Consent Order. Michael C Burt acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 27 \$500.00 and Count 2: 18 VAC 50-22-260.B.27 \$500.00. A total monetary penalty of \$1,000.00 is hereby imposed. In addition, for the

**File Number
2006-02188
Michael C
Burt**

violation of Counts 1 and 2, Michael C Burt agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Michael C Burt also agrees to pay \$150.00 in Board costs within thirty (30) days of the order. Michael C Burt agrees to pay the total monetary penalty of \$1,000.00 within six (6) months of the effective date of the order.

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2006-02796, Board v. John Meeker, t/a The Halsey Company the board reviewed the Consent Order. John Meeker acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 8 \$400.00 and Count 2: 18 VAC 50-22-260.B.6 \$1,000.00. A total monetary penalty of \$1,400.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, John Meeker agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. John Meeker also agrees to pay \$150.00 in Board costs.

**File Number
2006-02796
John Meeker**

Upon a motion by Ms. Wood seconded by Mr. Falwell the board ratified the consent order with a unanimous vote. Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin, Orange and Wood. Walton was absent.

In the matter of Consent Order File Number 2006-02911, Board v. Rita M Copeland t/a R M & G Home Improvement & Consultants the board reviewed the Consent Order. Rita M Copeland acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B 27 \$00.00; Count 2: 18 VAC 50-22-260.B.27 \$00.00; Count 3: 18 VAC 50-22-260.B.6 \$00.00; Count 4: 18 VAC 50-22-260.B.14 \$00.00; Count 5: 18 VAC 50-22-260.B.16 \$00.00 and Count 6: 18 VAC 50-22-230.B \$00.00. A total monetary penalty of \$00.00 is hereby imposed. In addition, for the violation of Counts 1 through 6, Rita M Copeland agrees to revocation of her license. Rita M Copeland also agrees to pay \$150.00 in Board costs.

**File Number
2006-02911
Rita M
Copeland**

Upon a motion by Mr. Smith seconded by Mr. Falwell the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith,

Tomlin, Orange and Wood. Walton was absent. As the hearing officer, Mrs. Wood did not vote.

At 12:32 PM, Mr. Kirby stated: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and/or potential litigation as permitted by **§2.2-3711.A.28 of the Code of Virginia**. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Eric Olson, David Ashe and Karen O'Neal. This motion is made with respect to the matters identified as agenda item: Case # 2001-03421. Mr. Smith seconded this motion. The motion passed with a unanimous vote. Members voting "yes" were: **Modisett, Smith, Kirby, Wood, Rackas Pate, Redifer, Falwell, Hart, Kinser, Orange and Tomlin. Hollar was recused and Walton was absent.**

**Closed
Session**

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification
of Closed
Meeting**

Whereas, §2.2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law:

Now, therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors.

Roll Call Vote; Ayes – Mr. Modisett, Mr. Smith, Mr. Kirby, Ms. Wood, Ms. Rackas Pate, Mr. Redifer, Mr Falwell, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Orange and Ms. Tomlin. The vote was taken at: 12:45 PM.

Absent from Closed Session: None

Absent from meeting: Mr. Walton

Jay DeBoer served as chairperson during the election of officers of the Board for Contractors. Mr. DeBoer called the meeting to order and opened the floor for the nomination of officers: Mr. Falwell nominated Mr. Kinser to serve as chairperson for another term. Ms. Wood seconded the motion. He was selected to serve another term by a unanimous vote. Members voting "yes" were: Falwell, Hart, Hollar,

**Election of
Officers**

Kirby, Modisett, Orange, Rackas Pate, Tomlin, Redifer, Smith and Wood. Mr. Walton was absent and Mr. Kinser did not vote. Mr. DeBoer relinquished the chair to Mr. Kinser. Mr. Kinser opened the floor for the election of the Vice chair to serve for another term. Mr. Falwell nominated Mr. Orange to serve as vice chairperson for another term. Ms. Rackas Pate seconded the motion. He was selected to serve another term by unanimous vote. Members voting "yes" were: Falwell, Hart, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Tomlin, Redifer, Smith and Wood. Mr. Walton was absent and Mr. Orange did not vote.

Jennifer Kazzie introduced the new interns to the Board for Contractor members.

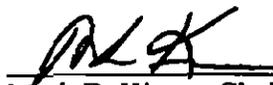
**New
Business**

The Board approved emergency regulations for the implementation of an eight hour basic business course for pre-license education requirement for contractors. Mr. Smith offered the motion to accept the emergency regulations and Ms. Wood seconded the motion. The motion passed unanimously. Members voting "yes" were: Falwell, Hart, Hollar, Kinser, Kirby, Modisett, Orange, Rackas Pate, Tomlin, Redifer, Smith, and Wood.

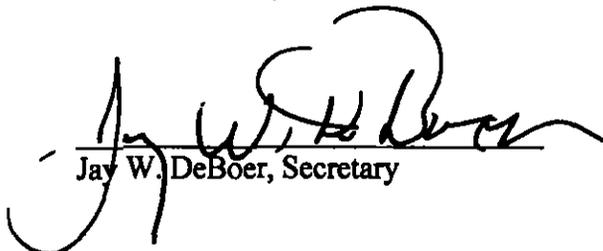
**Other Board
Business
Eric Olson**

Their being no further business to come before the board, the meeting was adjourned at 12:59 P.M. upon a motion by Ms. Wood and seconded by Mr. Falwell. The vote was unanimous. Members voting yes were: Hollar, Hart, Kinser, Kirby, Orange, Tomlin, Falwell, Redifer, Rackas Pate, Smith, Wood and Modisett. Mr. Walton was absent.

**Adjourn-
ment**



Mark D Kinser, Chairman



Jay W. DeBoer, Secretary

Copy teste:

Custodian of the Record

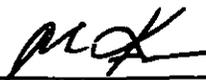
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Mark Kinser
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Charles Falwell
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

MAA

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: **Kenneth Hart**
2. Title: **Member – Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction.

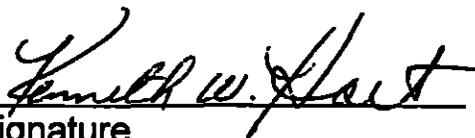
6. I declare that.

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:



(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

- 1 Name: James Hollar
- 2 Title: Member – Board for Contractors
- 3 Agency: Department of Professional & Occupational Regulation
- 4 Transaction: **BOARD FOR CONTRACTORS MEETING**
- 5 Nature of Personal Interest Affected by Transaction:

Citizens – Contractors

6 I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

CAH INC, ACCA, PMPV, PHCC.
UBOCA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James Hollar
Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: **Robert Kirby**
2. Title: **Member – Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction.

POB. O E Kirby, Inc. Kirby & Kirby Assoc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ALC OF VA, BUILDERS EXCHANGE, PMP OF VA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Anthony Orange
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

L.L. 6666 T.B.E.W

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

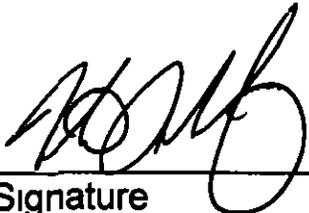
1. Name: **Michael Redifer**
2. Title: **Member – Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBIOA VPMIA ILL NFPA IAET

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Troy Smith
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

May 23, 2006
Date

STATE AND LOCAL GOVERNMENT

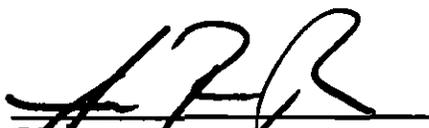
CONFLICT OF INTEREST ACT

1. Name: **Ann Rackas Pate**
2. Title: **Member - Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction. **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Jeffrey Modisett
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

None

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Conquest, Monahan and Dunn Inc.

AGC of Va.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Jeffrey J. Modisett
Signature

May 23, 2006
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

- 1. Name: Deborah Tomlin
- 2. Title: Member – Board for Contractors
- 3. Agency: Department of Professional & Occupational Regulation
- 4. Transaction: BOARD FOR CONTRACTORS MEETING
- 5. Nature of Personal Interest Affected by Transaction:

NONE

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Deborah Tomlin
Signature

May 23, 2006
Date

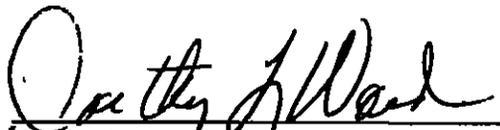
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Dorothy Wood
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: BOARD FOR CONTRACTORS MEETING
5. Nature of Personal Interest Affected by Transaction:

6 I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

May 23, 2006
Date